

HOUSE BILL NO. 194

INTRODUCED BY S. MENDENHALL

A BILL FOR AN ACT ENTITLED: "AN ACT STATUTORILY APPROPRIATING THE COUNTY PAYMENTS FROM THE HARD-ROCK MINING IMPACT TRUST ACCOUNT; AMENDING SECTIONS 17-7-502, 90-6-304, AND 90-6-331, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-23-706; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-4-202; 23-4-204; 23-4-302; 23-4-304; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-1-504; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-6-703; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; 90-1-115; 90-1-205; 90-3-1003; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,

1 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
2 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana
3 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state
4 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory
5 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion
6 of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is
7 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014;
8 pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 3 and 6, Ch. 481, L. 2003, the inclusion of 15-35-108
9 terminates June 30, 2010; pursuant to sec. 17, Ch. 593, L. 2005, the inclusion of 15-31-906 terminates January
10 1, 2010; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates upon the death of the last
11 recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; and pursuant to sec. 6,
12 Ch. 2, Sp. L. September 2007, the inclusion of 76-13-150 terminates June 30, 2009.)"

13
14 **Section 2.** Section 90-6-304, MCA, is amended to read:

15 **"90-6-304. Accounts established.** (1) There is within the state agency fund type a hard-rock mining
16 impact account. Money is payable into this account from payments made by a mining developer in compliance
17 with the written guarantee from the developer to meet the increased costs of public services and facilities as
18 specified in the impact plan provided for in 90-6-307. The state treasurer shall draw warrants from this account
19 upon order of the board.

20 (2) There is within the state special revenue fund a hard-rock mining impact trust account. Within this
21 trust account, there is established a reserve amount not to exceed \$100,000.

22 (a) Money within the hard-rock mining impact trust account may be used:

23 (i) for the administrative and operating expenses of the board, as provided by 90-6-303(4);

24 (ii) to establish and maintain the reserve amount; and

25 (iii) for distribution to the counties of origin, as provided by 90-6-331 and this section.

26 (b) Money within the hard-rock mining impact trust account may be used for the administrative and
27 operating expenses of the board if:

28 (i) the revenue provided under 15-37-117(1)(b) is less than the amount appropriated for the
29 administrative and operating expenses of the board; or

30 (ii) the use of the reserve amount of revenue is necessary to allow the board to meet its quasi-judicial

responsibilities under 90-6-307, 90-6-311, or 90-6-403(3).

(3) Money is payable into the hard-rock mining impact trust account under the provisions of 15-37-117. After first deducting the administrative and operating expenses of the board, as provided in 90-6-303, and then establishing and maintaining the reserve amount of \$100,000, as provided in subsection (2) of this section, the remaining money must be segregated within the account by county of origin. ~~The state treasurer shall draw warrants from this account upon order of the board.~~"

Section 3. Section 90-6-331, MCA, is amended to read:

"90-6-331. ~~Fund transfer~~ Payment to counties -- statutory appropriation. Prior to each October 31, all money segregated by county in the hard-rock mining impact trust account following allocation to the hard-rock mining impact trust account established in 90-6-304(2) as of the immediately preceding September 30 ~~immediately preceding~~ must be ~~transferred~~ paid to the county for which the funds have been held in deposit. The payments to the counties are statutorily appropriated as provided in 17-7-502. The funds ~~transferred~~ received by the county must be deposited in the county hard-rock mine trust account established in 7-6-2225."

NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2009.

NEW SECTION. **SECTION 5. TERMINATION.** [THIS ACT] TERMINATES JUNE 30, 2019.

- END -